

# House Study Bill 637

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY  
GENERAL BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the crime victim compensation fund.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 5321DP 81  
4 rh/sh/8

PAG LIN

1 1 Section 1. Section 915.80, subsection 2, Code 2005, is  
1 2 amended to read as follows:  
1 3 2. "Crime" means conduct that occurs or is attempted in  
1 4 this state, poses a substantial threat of personal injury or  
1 5 death, and is punishable as a felony or misdemeanor, or would  
1 6 be so punishable but for the fact that the person engaging in  
1 7 the conduct lacked the capacity to commit the crime under the  
1 8 laws of this state. "Crime" does not include conduct arising  
1 9 out of the ownership, maintenance, or use of a motor vehicle,  
1 10 motorcycle, motorized bicycle, train, boat, or aircraft except  
1 11 for violations of section 321.261, 321.277, 321J.2, 462A.7,  
1 12 462A.12, 462A.14, or 707.6A, or when the intention is to cause  
1 13 personal injury or death. A license revocation under section  
1 14 321J.9 or 321J.12 shall be considered by the department as  
1 15 evidence of a violation of section 321J.2 for the purposes of  
1 16 this subchapter. A license suspension or revocation under  
1 17 section 462A.14 or 462A.23 shall be considered by the  
1 18 department as evidence of a violation of section 462A.14 for  
1 19 the purposes of this subchapter.

1 20 Sec. 2. Section 915.86, subsections 1, 3, 5, 7, 8, and 12,  
1 21 Code 2005, are amended to read as follows:

1 22 1. Reasonable charges incurred for medical care not to  
1 23 exceed ~~fifteen~~ ~~twenty-five~~ thousand dollars. Reasonable  
1 24 charges incurred for mental health care not to exceed ~~three~~  
1 25 ~~five~~ thousand dollars which includes services provided by a  
1 26 psychologist licensed under chapter 154B, a person holding at  
1 27 least a master's degree in social work or counseling and  
1 28 guidance, or a victim counselor as defined in section 915.20A.

1 29 3. Loss of income from work that the victim's parent or  
1 30 caretaker would have performed and for which the victim's  
1 31 parent or caretaker would have received remuneration for up to  
1 32 three days after the crime or the discovery of the crime to  
1 33 assist the victim and when the victim's parent or caretaker  
1 34 accompanies the victim to medical and counseling services, not  
1 35 to exceed one thousand dollars per parent or caretaker.

2 1 5. Reasonable replacement value of clothing that is held  
2 2 for evidentiary purposes not to exceed ~~one~~ two hundred  
2 3 dollars.

2 4 7. Loss of support for dependents resulting from death or  
2 5 a period of disability of the victim of sixty days or more not  
2 6 to exceed ~~two~~ ~~four~~ thousand dollars per dependent.

2 7 8. In the event of a victim's death, reasonable charges  
2 8 incurred for counseling the victim's spouse, children,  
2 9 parents, siblings, or persons cohabiting with or related by  
2 10 blood or affinity to the victim if the counseling services are  
2 11 provided by a psychologist licensed under chapter 154B, a  
2 12 victim counselor as defined in section 915.20A, subsection 1,  
2 13 or an individual holding at least a master's degree in social  
2 14 work or counseling and guidance, and reasonable charges  
2 15 incurred by such persons for medical care counseling provided  
2 16 by a psychiatrist licensed under chapter 147 or 150A. The  
2 17 allowable charges under this subsection shall not exceed ~~three~~  
2 18 ~~five~~ thousand dollars per person.

2 19 12. Reasonable charges incurred for mental health care for  
2 20 secondary victims which include the services provided by a

2 21 psychologist licensed under chapter 154B, a person holding at  
2 22 least a master's degree in social work, counseling, or a  
2 23 related field, a victim counselor as defined in section  
2 24 915.20A, or a psychiatrist licensed under chapter 147, 148, or  
2 25 150A. The allowable charges under this subsection shall not  
2 26 exceed ~~one~~ two thousand dollars per secondary victim.

2 27 Sec. 3. Section 915.86, Code 2005, is amended by adding  
2 28 the following new subsections:

2 29 NEW SUBSECTION. 13. Reasonable dependent care expenses  
2 30 incurred by the victim, the victim's parent or caretaker, or  
2 31 the survivor of a homicide victim as described in subsection  
2 32 10 for the care of dependents while attending criminal justice  
2 33 proceedings or medical or counseling services, not to exceed  
2 34 one thousand dollars.

2 35 NEW SUBSECTION. 14. Reasonable expenses incurred by a  
3 1 victim, the victim's parent or caretaker, or the survivor of a  
3 2 victim as described in subsection 10 to replace locks,  
3 3 windows, and other residential security items at the victim's  
3 4 residence or at the residential scene of a crime, not to  
3 5 exceed five hundred dollars.

3 6 NEW SUBSECTION. 15. Reasonable expenses incurred by the  
3 7 victim, a secondary victim, the parent or guardian of a  
3 8 victim, or the survivor of a homicide victim as described in  
3 9 subsection 10 for transportation to medical, counseling,  
3 10 funeral, or criminal justice proceedings, not to exceed one  
3 11 thousand dollars per person.

#### 3 12 EXPLANATION

3 13 This bill relates to the crime victim compensation fund.

3 14 The bill expands the categories of crime victims eligible  
3 15 to receive victim compensation to include victims of hit-and-  
3 16 run boating and victims of careless or reckless boating,  
3 17 waterskiing, surfboarding, and use of similar devices. The  
3 18 bill provides that a license suspension or revocation for  
3 19 operating a motorboat or sailboat while intoxicated shall be  
3 20 considered by the department of justice as evidence of such a  
3 21 crime.

3 22 The bill increases the maximum compensation amounts for the  
3 23 following reimbursement categories for economic losses  
3 24 incurred as a direct result of an injury to or death of a  
3 25 victim:

3 26 1. Increases the benefit for medical care for a victim  
3 27 from \$15,000 to \$25,000.

3 28 2. Increases the benefit for victim and homicide survivors  
3 29 (including the victim's spouse, children, parents, siblings,  
3 30 or persons cohabiting with or certain persons related by blood  
3 31 or affinity to the victim) for counseling services from \$3,000  
3 32 to \$5,000.

3 33 3. Increases the benefit for the replacement cost of  
3 34 clothing held in evidence from \$100 to \$200.

3 35 4. Increases the loss of support benefit for secondary  
4 1 victims for counseling services from \$1,000 to \$2,000.

4 2 5. Increases the loss of support for dependents resulting  
4 3 from death or a period of disability of the victim of 60 days  
4 4 or more from \$2,000 to \$4,000.

4 5 The bill specifies the lost wage benefit for a dependent  
4 6 victim's parent or caretaker who takes time off work to  
4 7 accompany the victim to medical or counseling services for up  
4 8 to three days shall not exceed \$1,000 per parent or caretaker.

4 9 The bill creates a new child care reimbursement benefit for  
4 10 child and dependent care that allows a victim, the victim's  
4 11 parent or caretaker, or the survivor of a homicide victim  
4 12 reasonable expenses for the care of dependents while attending  
4 13 criminal justice proceedings or medical or counseling  
4 14 appointments, not to exceed \$1,000.

4 15 The bill creates a new benefit to reimburse victims for  
4 16 replacement of locks, windows, or other property security  
4 17 items at a residential crime scene or at the residence of the  
4 18 crime victim or survivor of a homicide victim, not to exceed  
4 19 \$500.

4 20 The bill creates a new benefit to reimburse a victim, a  
4 21 secondary victim, the parent or guardian of a victim, or the  
4 22 survivor of a homicide victim for transportation costs for  
4 23 medical, counseling, funeral, and criminal justice  
4 24 proceedings, not to exceed \$1,000 per person.

4 25 LSB 5321DP 81

4 26 rh:rj/sh/8